

## New Legislation

County Recorders Annual  
Conference  
April 2012

### SEA 109-PL39

Amends IC 5-13-9-5.3  
Effective July 1, 2012  
Was applicable to CDs only  
Applicable to interest bearing deposit  
accounts

### SEA 115-PL119

- Adds IC 1-1-3.5-8
- Specifies that changes in population parameters in legislation enacted during the 2012 regular session take effect April 1, 2012.
- Substitutes names for population parameters in various statutes

SEA 147-PL 120

- Adds IC 36-2-9-2.5, IC 36-2-9.5-2.5, and IC 36-2-10-2.5
- Effective July 1, 2012
- Requires training of county auditors and treasurers
- Similar to statutes currently for recorders, clerks and surveyors
- Amends IC 36-2-9-17
- Specifically allows for county elected officials training fund to be used for auditors and treasurers

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SEA 168-PL 19

- Adds IC 13-23-7-10
- Effective July 1, 2012
- Underground storage tanks
- Lien for fees owed the State
- Department of Environmental Management to record lien

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SEA 191-PL 43

- Investment of Public Funds Effective July 1, 2012
- Adds IC 5-13-9-5.7
- Allows a political subdivision to adopt an investment policy that authorizes the investment of public funds for:
  - More than 2 years
  - Not more than 5 years
- Limits the total investments outstanding

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### SEA 193-PL 90

- Effective January 1, 2013
- Amends IC 3-8-1-33
- A candidate for local office must file a statement of economic interest
- Adds IC 3-8-9
- Provides details on the statement of economic interest

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### SEA 262 –PL 126

- Effective July 1, 2012
- Repeals IC 35-44
- Relocates and reorganizes chapters under IC 35-44 to new article IC 35-44.1
  - Official Misconduct moved from IC 35-44-1-2 to IC 35-44.1-1-1
  - Conflict of Interest moved from IC 35-44-1-3 to IC 35-44.1-1-4
- Relocates certain codified crimes from IC 5 and moves to the criminal code under IC 35-44.2
- Amends IC 5-13-5-1
  - A person who violates this section is subject criminal prosecution under IC 35-44.2-2-2

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### HEA 1003-PL 134

- Access to public records
- Amends IC 5-14-3-3
- Within a reasonable time after the request
- Adds IC 5-14-3-9.5
- Provides for civil penalties:
  - Denying records request when
    - Public Access Counselor instructs to do so in advisory opinion and
    - Specific intent to unlawfully withhold
  - Intentionally charges copying fees in excess of amounts authorized
- Effective July 1, 2012

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HEA 1005 –PL 135

- Add IC 3-5-9 Effective January 1, 2013
- Elected Office
  - The executive or a member of the executive body of a unit
  - A member of the legislative body or fiscal body of a unit
- An employee of a unit is considered resigned as an employee when the person assumes an elected office of that unit
- A volunteer firefighter or firefighter under contract that provides fire protection services for a unit may not assume or hold elected office of that unit
- Does not prohibit an employee or firefighter from holding elected office of another unit
- Limited grandfather clause

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HEA 1005 –PL 135 Continued

- Nepotism
- Adds IC 36-1-20.2 Effective July 1, 2012
- Establishes minimum requirements regarding employment of relatives
- Unit is to adopt a policy that includes these requirements
- Executive must state in 100R if a policy has been implemented
- Each elected officer of the unit shall annually certify in writing that the officer has not violated this chapter
  - The certification is submitted to the executive of the unit
  - The certification is submitted not later than Dec.31<sup>st</sup>
- SBOA determines if policy has been implemented
- If not implemented the DLGF may not approve a units budget or additional appropriation

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HEA 1005 –PL 135 Continued

- Adds IC 36-1-21 Effective July 1, 2012
- Establishes minimum requirements regarding relatives of elected officials contracting with a unit
- Unit is to adopt a policy that includes these requirements
- Provides disclosure and filing requirements
- Executive must state in 100R if a policy has been implemented
- Each elected officer of the unit shall annually certify in writing that the officer has not violated this chapter
  - The certification is submitted to the executive of the unit
  - The certification is submitted not later than Dec.31<sup>st</sup>
- SBOA determines if policy has been implemented

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